

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Javed Mookhtar Mobin,

Case No. 21-CV-0180 (PAM/ECW)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Hennepin County Jail,

Defendant.

In an order dated February 11, 2021, this Court explained that the complaint submitted by plaintiff Javed Mookhtar Mobin failed to state a claim on which relief may be granted. *See* Dkt. No. 4. Among other problems with the pleading, Mobin had named only the Hennepin County Jail as a defendant to this action, but county jails are not legal entities amenable to suit. *See De La Garza v. Kandiyohi County Jail, Correctional Institution*, 18 F. App'x 436, 437 (8th Cir. 2001) (per curiam). This action could not proceed without a viable claim for relief stated against a defendant amenable to suit. Nevertheless, rather than recommend dismissal of this action at that time, this Court permitted Mobin to file an amended complaint within 20 days, failing which it would be recommended that this action be dismissed without prejudice for failure to state a claim on which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).

That deadline has now passed, and Mobin has not submitted an amended complaint. In fact, Mobin has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance

with its prior order, that this action be dismissed without prejudice for failure to state a claim on which relief may be granted. Alternatively, this matter may be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) or, alternatively, for failure to prosecute.

Dated: March 8, 2021

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local

Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).